

in specific levels of offense severity. Kan. Stat. Ann. §21-3440 (1997). Also, injury to a pregnant woman through the operation of a motor vehicle which causes a miscarriage results in specific levels of offense severity. Kan. Stat. Ann. §21-3441 (1997).

New Hampshire—It is a felony to cause injury to another person that results in a miscarriage or stillbirth. N.H. Rev. Stat. Ann. §§631:1-631:2 (1996).

New Mexico—It is a felony to injure a pregnant woman during the commission of a felony and cause her to undergo a miscarriage or stillbirth. N.M. Stat. Ann. §30-3-7 (Michie 1994). It is also a crime to injure a pregnant woman through the unlawful operation of a vehicle which causes her to undergo a miscarriage or stillbirth. N.M. Stat. Ann. §§66-8-101.1 (Michie 1998).

North Carolina—It is a felony to injure a pregnant woman during the commission of a felony and cause her to undergo a miscarriage or stillbirth. It is a misdemeanor to cause a miscarriage or stillbirth during a misdemeanor act of domestic violence. N.C. Gen. Stat. §14-18.2 (Supp. 1998).

Virginia—The premeditated killing of a pregnant woman with the intent to cause the termination of her pregnancy is capital murder. Va. Code Ann. 18.2-31 (Michie Supp. 1998). The unpremeditated killing of a pregnant woman with the intent to cause the termination of her pregnancy is also a crime. Va. Code Ann. §18.2-32.1 (Michie Supp. 1998). It is a felony to injure a pregnant woman with the intent to maim or kill her or to terminate her pregnancy and she is injured or her pregnancy is terminated. Va. Code Ann. §18.2-51.2 (Michie Supp. 1998).

*New York: Conflicting Statutes*

New York—Under New York statutory law, the killing of an "unborn child" after twenty-four weeks of pregnancy is homicide. N.Y. Pen. Law §125.00 (McKinney 1998). But under a separate statutory provision, a "person" that is the victim of a homicide is statutorily defined as "a human being who has been born and is alive." N.Y. Pen. Law §125.05 (McKinney 1998). See *People v. Joseph*, 130 Misc. 2d 377, 496 N.Y.S.2d 328 (County Court 1985); *In re Gloria C.*, 124 Misc.2d 313, 476 N.Y.S.2d 991 (N.Y. Fam. Ct. 1984); *People v. Vercelletto*, 514 N.Y.S.2d 177 (Co.Ct. 1987).

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to comment on the gentleman's argument about other States having similar laws, and so why can we not do the same thing? The reason we have not done the same thing is that many of these State laws are obviously drafted differently. They do not use controversial terms, some of them, as "unborn child" or "child in utero."

The second thing is that none of these State laws have been validated or upheld in a Federal court, let alone a Supreme Court decision. They have not been tested. So I do not think that gives us a presumption that we can copy State law. I say to my colleagues, we should be creating Federal law that States may want to pattern themselves after.

Then, we might want to take into consideration the experience with State laws that have not been very favorable on this subject. Some of these laws have been used as excuses to justify prosecuting women for their conduct while they are pregnant. A whole host of problems arise this way.

In South Carolina, ironically, now they prosecute women whose babies are

found to have drugs in their system; the mothers are prosecuted. In another case, the court ordered into custody a pregnant woman who refused medical care because of religious convictions, in an attempt to ensure that the baby be born safely. We had a National Public Radio case about a pregnant woman being forced into custody at a State medical facility in Massachusetts to ensure that her baby was born safely. In another case, a court sent a student to prison to prevent her from obtaining a midterm abortion.

So I say to my colleagues, let us stop pointing recklessly to all of these laws in State courts as if they are giving us a reason to make the same kind of untested legislation that they are doing.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mrs. JO ANN DAVIS).

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, despite the claims of my colleagues who oppose H.R. 503, this legislation before us today is not about abortion. It does not infringe on a woman's legal right to abort her child. It does not place legal limitations upon those in the medical profession who perform abortion. In fact, the only time this bill even mentions abortion is to protect the woman's legal right to have one, and the doctor's legal right to perform them. Yet, those who oppose this bill would like the American people to believe that this is an attempt to reverse *Roe v. Wade*.

This leads me to ask my colleagues who oppose this bill, why the smoke screen? Why are they so fearful of protecting a pregnant woman and her unborn child? Why are they standing in the way of legislation which provides protection for a woman against violence? Recognizing the unborn child as a victim of crime does not affect the woman's legal right to abort the child.

Mr. Speaker, the smoke screen of abortion used by those in opposition to this bill will not work. The majority of Congress and the American people know that a woman and her unborn child must be protected against criminal acts of violence. When a pregnant woman is assaulted and bodily harm is brought about to her unborn child, there are two victims, not one.

This bill was not introduced to erode current abortion law. Let me tell my colleagues why this bill was introduced. Currently, under Federal law, if a criminal assaults or kills a woman who is pregnant and thereby causes the death or injury to that unborn child, the criminal faces no consequences for taking or injuring this unborn life. That is why this bill is introduced, and that is why it is a tragedy that this worthwhile piece of legislation is being muddled in abortion politics by those who instinctively reject any bill that deals with the child in the womb.

It is unfortunate that those in opposition to this bill today believe that a

victim such as Zachariah Marciniak, whose story has been described previously by my colleagues, was not a child or not a human being. I wonder how many of my colleagues would suggest that when planning for the miracle of a birth, in painting the nursery, attending baby showers, buying a crib and clothes, often name the child before he or she is delivered, all in preparation for a newborn, is not preparation for a life, a life that lives within.

Mr. Speaker, I strongly believe, like the father who lost his wife in the Oklahoma City bombing, that the loss was even greater. He lost his wife and his unborn baby. In that awful tragedy, we as a nation lost not 168, but 171 people, as three of the women killed during that atrocity were with child. They were murdered along with their mothers.

Consider also the fact that last year the House of Representatives passed the Innocent Child Protection Act by a vote of 417-0. This bill prohibited a State or Federal Government for executing a woman "while she carries a child in utero." That bill, which again passed unanimously, defined "child in utero" the same way it is defined in the Unborn Victims of Violence Act. If the House is, without dissension, willing to protect unborn children from execution, why is it controversial to also protect unborn children from a deadly assault?

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Pennsylvania (Mr. GREENWOOD).

Mr. GREENWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, those in the gallery, those watching this debate on national television around the Nation might assume that the reason that we are spending these hours on the floor pursuing this legislation is because we are trying to solve a problem, that there is somehow a problem that exists, that out in America on Federal property women are being assaulted, and they are losing their fetuses in those assaults, and their perpetrators are going unpunished or going too lightly punished.

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I do not think there is any evidence at all that that is the problem. If it were, this legislation would be a priority for the police and law enforcement officials of our country. This would be a priority for the district attorneys in our counties. This would be a priority for the attorneys general. This would be a priority for the coalitions against domestic violence.

That is really not why we are here. My friend, the gentleman from South Carolina (Mr. GRAHAM), is a good friend of mine. I admire him more than I admire many Members of this Congress. He is a good man.

But I think in truth we all know that this bill is here because it is aimed at abortion politics. This bill is